

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTOLIN ANDREW MARKS,

Petitioner,

No. C 09-1844 PJH (PR)

v.

ORDER OF TRANSFER

ERIC H. HOLDER, et al.,

Respondents.

Petitioner is held in Tacoma, Washington, by the United States Immigration and Customs Enforcement agency. He seeks a writ of mandamus requiring that he be released or put to death.

When jurisdiction is not founded solely on diversity, as here, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). The acts complained of occurred in Tacoma, which is in the Western District of Washington. There appears to be no link to this district. Venue, therefore, properly lies in that district and not in this one.

This case is **TRANSFERRED** to the United States District Court for the Western District of Washington. See 28 U.S.C. § 1406(a). In view of the transfer, the court will not rule upon plaintiff's request for leave to proceed in forma pauperis.

IT IS SO ORDERED.

Dated: May 15, 2009.



PHYLLIS J. HAMILTON
United States District Judge